

Appl. No. 10/782,917
Amdt. Dated July 23, 2007
Reply to Office action of March 21, 2007

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REMARKS/ARGUMENTS

Claims 1, 3, 5, 6, 11, 16, and 18 have been amended. No new matter has been added by the amendments. Claims 2 and 4 have been cancelled without prejudice.

Claims 1, 3, and 5 to 31, as amended, are currently pending in the application.

Claim 11 has been amended to correct a typographical error in the claim. Claims 6 and 16 have been amended to revise their dependencies.

35 U.S.C. §101 - Provisional Double Patenting Rejection

The Applicants' current intention is to abandon Application No. 10/713,024. With respect to Application No. 10/957,346, the Applicants will take appropriate action to address the Examiner's provisional rejection prior to the allowance of this Application.

35 U.S.C. §101 -- Non-statutory Subject Matter Rejection

The Examiner rejected claims 18-31 under 35 U.S.C. §101 as being directed to non-statutory subject matter.

The Applicants have amended claim 18 to clarify that the recited elements yield a concrete, useful, and tangible result. Claim 18 now recites a computer-implemented system comprising a transformation engine adapted to execute on a computer. Support for this amendment can be found on page 5 of the application as filed. Claim 18 further recites that the transformation creates a target application configured for a target mobile device, which the Applicants respectfully submit is a concrete, useful, and tangible result. Support for this amendment can be found on page 9 of the application as filed.

In view of the foregoing, the Applicants respectfully request that the Examiner withdraw the non-statutory subject matter rejection of claims 18 to 31 under 35 U.S.C. §101.

35 U.S.C. §102(e) – Anticipation in view Ryzl

The Examiner rejected claims 1-8, 10-15, 18-21, 24-28, and 30-31 under 35 U.S.C. §102 (e) as being anticipated by Ryzl (U.S. Publication No. 2003/0236657). Applicants respectfully request reconsideration of this rejection.

Specifically, the Examiner states that Ryzl teaches a method of generating a target application from a reference application (para 0047-0049, p. 4) comprising unpacking the reference application into a plurality of class files (para 0051, pg. 5); transforming the reference application into the target application by a plug-in (para 0046, 0060-0061, and 0066-0068, pg. 4, and para 0073, pg. 6); wherein the plug-in is adapted to transform a plurality of different reference applications into a corresponding plurality of target applications (Fig. 10-11, 15-17, and Fig. 20).

The Examiner takes the position that the use of a configurable device emulator in an integrated development environment corresponds to a method of transforming a reference application into a target application. The Examiner further argues that the installation of the emulator, which includes copying various modules and classes into various directories, corresponds to unpacking the reference application.

The Applicants have amended independent claim 1 to recite a method of generating one or more target applications from a reference application, where the reference application is in bytecode during the transformation step.

The Applicants respectfully submit that Ryzl does not teach a method of generating a target application from a reference application. In contrast, Ryzl teaches a method of developing Java applications in an integrated development environment, such as Forte, in which a developer emulates the reference applications on different platforms to determine how the reference application executes on different platforms without having to load the application onto different devices. The developer uses the Ryzl system to compile and execute the reference application in emulators simulating various target devices to determine if the reference application would execute properly on those target devices. The Ryzl system does not transform a reference application into a target application. Instead, it simply compiles the reference application into an executable version thereof. Furthermore, incompatibilities between the reference application and the target device are not addressed by Ryzl's system, which does not even reference the problem of an incompatibility arising when the reference application is emulated on a target device for which the reference application was not expressly designed.

Most importantly, the teaching of Ryzl exclusively discusses converting application source code to the JAR file format. Unlike the invention recited in claim 1, Ryzl does not provide any teaching whatsoever of bytecode to bytecode transformation.

Furthermore, the Applicants respectfully submit that the installation process of the emulator environment of Ryzl does not correspond to unpacking the reference application into a plurality of class files. The emulator environment of Ryzl is the module that emulates the various platforms in which the reference application is to be used, and as such the installation of the emulator environment cannot also correspond to unpacking the reference application that is to be emulated in the emulator environment.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference (*MPEP* §2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Since Ryzl does not teach each and every element set forth in claim 1, it is respectfully submitted that it cannot anticipate claim 1.

Since claims 3-17 depend from an allowable independent claim 1, it is respectfully submitted that Ryzl cannot anticipate claims 3-17 for the same reasons provided above in respect of claim 1.

For the same reasons as presented above for claim 1, the Applicants respectfully submit that Ryzl does not teach each and every element of claim 18, as amended. In addition, Ryzl's reference to "cut, copy, paste, delete, rename, save" operations in the integrated development environment *for use by the developer modifying the reference application*, does not teach an instruction file being adapted to direct the transformation engine to identify the portion of the reference application and to modify the portion with the selected software code to create the corresponding target application. Accordingly, since Ryzl does not teach each and every element set forth in claim 18, it is respectfully submitted that it cannot anticipate claim 18.

Withdrawal of the Examiner's rejection in respect of claims 1-31 is respectfully requested.

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35 U.S.C. §103(a) – Obviousness Rejection

The Examiner has rejected claims 9 and 29 under 35 U.S.C. §103(a) as being obvious in view of Ryzl, and has rejected claims 16-17 and 22-23 under 35 U.S.C. §103(a) as being obvious in view of the combination of Ryzl and Byman-Kivivuori et al. (US Publication No. 2004/0002305).

Since claims 9, 29, 16-17, and 22-23 are dependent claims which depend from allowable independent claims 1 and 18, it is respectfully submitted that the above claims are not obvious for the same reasons discussed above in relation to the 102(e) rejection.

In view of the foregoing, the Applicant respectfully submits that the application is now in condition for allowance.

Respectfully submitted,

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